

MINUTE SUMMARY

Board of Directors Meeting

September 3, 2008

Start Time: 9:30 a.m.

LOCATION

**San Bernardino Associated Governments
Santa Fe Depot - SANBAG Lobby 1st Floor
1170 W. 3rd Street, San Bernardino, CA**

Board of Directors

President

Gary Ovitt, Supervisor
County of San Bernardino

Vice-President

Paul Eaton, Mayor
City of Montclair

Charley Glasper, Mayor
City of Adelanto

Rick Roelle, Council Member
Town of Apple Valley

Lawrence Dale, Mayor
City of Barstow

Bill Jahn, Mayor Pro Tem
City of Big Bear Lake

Dennis Yates, Mayor
City of Chino

Gwenn Norton-Perry, Council Member
City of Chino Hills

Kelly Chastain, Mayor
City of Colton

Mark Nuaimi, Mayor
City of Fontana

Bea Cortes, Council Member
City of Grand Terrace

Mike Leonard, Mayor
City of Hesperia

Larry McCallon, Council Member
City of Highland

Rhodes "Dusty" Rigsby, Mayor Pro Tem
City of Loma Linda

Rebecca Valentine, Council Member
City of Needles

Paul Leon, Mayor
City of Ontario

Diane Williams, Council Member
City of Rancho Cucamonga

Patricia Gilbreath, Mayor Pro Tem
City of Redlands

Grace Vargas, Mayor
City of Rialto

Patrick Morris, Mayor
City of San Bernardino

Jim Harris, Council Member
City of Twentynine Palms

John Pomierski, Mayor
City of Upland

Mike Rothschild, Council Member
City of Victorville

Richard Riddell, Mayor
City of Yucaipa

William Neeb, Council Member
Town of Yucca Valley

Brad Mitzelfelt, Supervisor
County of San Bernardino

Paul Biane, Supervisor
County of San Bernardino

Dennis Hansberger, Supervisor
County of San Bernardino

Josie Gonzales, Supervisor
County of San Bernardino

Karla Sutliff, Caltrans
Ex-Officio Member

Deborah Robinson Barmack
Executive Director

**San Bernardino Associated Governments
County Transportation Commission
County Transportation Authority
County Congestion Management Agency
Service Authority for Freeway Emergencies**

Board of Directors

MINUTE SUMMARY

**September 3, 2008
9:30 a.m.**

Location:

**San Bernardino Associated Governments
Santa Fe Depot
SANBAG Lobby, 1st Floor
1170 W. 3rd Street, San Bernardino**

To obtain additional information on any items, please contact the staff person listed under each item. You are encouraged to obtain any clarifying information prior to the meeting to allow the Board to move expeditiously in its deliberations. Additional meeting procedures and agenda explanations are attached to the end of this agenda.

Called to Order - 9:30 a.m. by Supervisor Gary Ovitt

I Pledge of Allegiance

II. Attendance

Trinidad Perez (Alt), Adelanto

Rick Roelle, Apple Valley

Lawrence Dale, Barstow

***Dennis Yates, Chino**

Kelly Chastain, Colton

Mark Nuaimi, Fontana

***Bea Cortes, Grand Terrace**

Mike Leonard, Hesperia

Larry McCallon, Highland

Rhodes 'Dusty' Rigsby, Loma Linda

Paul Eaton, Montclair

Rebecca Valentine, Needles

Paul Leon, Ontario

Diane Williams, Rancho Cucamonga

***Departed After Agenda Item 29**

****Departed During Agenda Item 11**

Pat Gilbreath, Redlands

Grace Vargas, Rialto

Patrick Morris, San Bernardino

Jim Harris, Twentynine Palms

****John Pomierski, Upland**

Mike Rothschild, Victorville

Richard Riddell, Yucaipa

William Neeb, Yucca Valley

***Dennis Hansberger, San Bernardino County**

Brad Mitzelfelt, San Bernardino County

Josie Gonzales, San Bernardino County

Karla Sutliff, Caltrans District 8

Jean-Rene Basle, SANBAG Counsel

Deborah Robinson Barmack, SANBAG

III. Announcements: Supervisor Gonzales and Mayor Morris shared highlights of the State Street University Parkway bridge opening held August 29, 2008. A groundbreaking ceremony for the Ramona Avenue Grade Separation is scheduled on September 4, 2008 at 9:30 a.m. in Montclair. Deborah Barmack introduced contract employee Paula Beauchamp and Duane Baker, Director of Management Services as the newest additions to the SANBAG team. Deborah Barmack announced would be joining other executive directors from Southern California transportation commissions to provide testimony on the re-authorization of the federal transportation act before a hearing chaired by Senator Barbara Boxer in Los Angeles. All policy committee meetings will meet as scheduled with the exception of the SCAG Delegates Briefing which was cancelled. The Strategic Plan Ad Hoc Committee will meet immediately following the Board meeting. A Board of Directors workshop is scheduled on September 30th.

IV. Agenda Notices/Modifications: NONE

1. **Possible Conflict of Interest Issues for the Board Meeting of September 3, 2008** Pg. 16

Note agenda item contractors, subcontractors and agents, which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

Consent Calendar

Consent Calendar items shall be adopted by a single vote unless removed by Board member request. Items pulled from the consent calendar will be brought up under Agenda Item 31.

Administrative Matters

2. **Board of Directors Attendance Roster**

Pg. 18

3. **Procurement Report for July 2008**

Pg. 22

Receive Monthly Procurement Report. **William Stawarski**

This item was unanimously received by the Administrative Committee on August 13, 2008. (*Meeting chaired by Paul Eaton*)

Notes/Actions:

NONE

MOVED:

Nuaimi

SECOND:

Pomierski

23-2-0

OPPOSED:

Mitzelfelt

Rothschild

Consent Calendar Continued....

Administrative Matters (Cont.)

			Notes/Actions:
4.	Resolution to Establish SANBAG Employees Authorized to Transact Business	Pg. 25	Approved Consent 23-2-0 OPPOSED: Mitzelfelt Rothschild
Approve SANBAG Resolution No. 09-003 Authorizing Investment of Monies in the Local Agency Investment Fund (LAIF). William Stawarski This item was reviewed by the Administrative Committee on August 13, 2008 and unanimously recommended for approval. (Meeting chaired by Paul Eaton)			
5.	Appropriations Limitation for Fiscal Years 2007/2008 and 2008/2009	Pg. 28	Approved Consent 23-2-0 OPPOSED: Mitzelfelt Rothschild
Adopt Resolution 09-004 to establish appropriations limit at \$827,595,287 for Fiscal Year 2007/2008 and establish appropriations limit at \$875,612,366 for Fiscal Year 2008/2009. William Stawarski This item was reviewed by the Administrative Committee on August 13, 2008 and unanimously recommended for approval. (Meeting chaired by Paul Eaton)			
6a.	Receive Report and Approve Fiscal Year 2008/2009 Budget Amendment for the SANBAG Financial Management Software System (FMSS)	Pg. 31	Approved Consent 23-2-0 OPPOSED: Mitzelfelt Rothschild
1. Receive report on the development and status of the FMSS implementation; and 2. Approve FY 2008/2009 Budget Amendment in the amount of \$314,030 for tasks associated with the implementation of the FMSS, by increasing Task Number IAM09 by \$254,030 and Task Number ISF09 by \$60,000, as outlined in the Financial Impact Section. William Stawarski This item was reviewed by the Administrative Committee on August 13, 2008 and unanimously recommended for approval. (Meeting chaired by Paul Eaton)			
6b.	Contract for a Financial Management Software System (FMSS)	Pg. 34	Approved Consent 23-2-0 OPPOSED: Mitzelfelt Rothschild
Approve Contract No. 08-145 with Tyler Technologies, Inc., in the amount of \$462,135, for the purchase and implementation of a FMSS, as outlined in the Financial Impact Section. William Stawarski This item was reviewed and unanimously recommended for approval by the Administrative Committee on August 13, 2008. The Contract has been reviewed as to form by SANBAG Legal Counsel. (Meeting chaired by Paul Eaton)			

Consent Calendar Continued....

Administrative Matters (Cont.)

- 6c. Memorandum of Understanding (MOU) with the County of San Bernardino for Project Management Services to assist with the Implementation of a Financial Management Software System (FMSS)** Pg. 59

Approve MOU No. C09054 with the County of San Bernardino to provide project management support for the development and implementation of the SANBAG FMSS, in an amount not-to-exceed \$257,400 for a 20 month period, as outlined in the Financial Impact Section. **William Stawarski**

This item was reviewed and unanimously recommended for approval by the Administrative Committee on August 13, 2008. The Contract has been reviewed as to form by SANBAG Legal Counsel. (*Meeting chaired by Paul Eaton*)

**Approved Consent
23-2-0
OPPOSED:
Mitzelfelt
Rothschild**

Regional & Quality of Life Programs

- 7. Additional Financial Commitment to the Environmental Justice and Community Outreach Study** Pg. 68

1) Approve Amendment No. 1 SANBAG Contract 07-207-01 with Los Angeles County Metropolitan Transportation Authority (LAMTA) and Riverside County Transportation Commission (RCTC) for an additional \$2,000 contribution to the Environmental Justice and Community Outreach Study

2) Approve an amendment to the FY 2008/2009 budget, increasing Task No. 11109000 by \$2,000 as identified in the financial impact section. **Ty Schuiling**

This item was reviewed and unanimously recommended for approval by the Plans and Programs Policy Committee on August 20, 2008. (*Meeting chaired by Paul Eaton*)

**Approved Consent
23-2-0
OPPOSED:
Mitzelfelt
Rothschild**

- 8. Call Box Program Update** Pg. 73

Receive Report and Provide Direction. **Kelly Lynn**

This item was reviewed and unanimously recommended for approval by the Mountain/Desert Committee on August 15, 2008. (*Meeting chaired by Brad Mitselfelt*)

Received & Filed

Consent Calendar Continued....

Subregional Trans. Planning & Programming

- | | | | |
|-----|--|--------|--|
| 9. | <p>Amendment No. 1 to Contract 06-029 with Fluor Corporation on the Development of the Measure I 2010-2040 Strategic Plan</p> <p>Approve Amendment No. 1 to Contract 06-029 with Fluor Corporation to extend the period of performance for the Measure I 2010-2040 Strategic Plan effort. Ty Schuiling</p> <p>This item was reviewed and unanimously recommended for approval by the Plans and Programs Policy Committee on August 20, 2008. <i>(Meeting chaired by Paul Eaton)</i></p> | Pg. 78 | <p>Approved Consent 23-2-0</p> <p>OPPOSED:
Mitzelfelt
Rothschild</p> |
| 10. | <p>Proposition 1B Trade Corridor Improvement Funds (TCIF) Baseline Agreements for seven (7) Grade Separation Projects and three (3) Highway Projects with the California Transportation Commission (CTC)</p> <p>1. Approve the Following Proposition 1B Trade Corridor Improvement Funds (TCIF) Draft Baseline Agreements with the CTC:</p> <ul style="list-style-type: none"> a. I-10 Logistics Access Project Cherry Interchange. (Contract No. C09013) b. I-10 Logistics Access Project Citrus Interchange. (Contract No. C09014) c. I-15 Widening and Devore Interchange. (Contract No. C09015) d. South Milliken Ave. Grade Separation Project. (Contract No. C09016) e. North Milliken Ave. Grade Separation Project. (Contract No. C09017) f. Vineyard Ave. Grade Separation Project. (Contract No. C09018) g. Lenwood Rd. Grade Separation Project. (Contract No. C09019) h. Glen Helen Pkwy. Grade Separation Project. (Contract No. C09020) i. Palm Ave. Grade Separation Project. (Contract No. C09021) j. Valley Blvd. Grade Separation Project. (Contract No. C09022) <p>2. Authorize the Executive Director to execute the final TCIF Baseline Agreements including technical and administrative changes that may be necessary following CTC staff review. Should any policy issues arise, the Executive Director will consult with Board Officers.</p> <p>Ty Schuiling</p> <p>This item was reviewed and unanimously recommended for approval by the Plans and Programs Policy Committee on August 20, 2008. <i>(Meeting chaired by Paul Eaton)</i></p> | Pg. 82 | <p>Approved Consent 23-2-0</p> <p>OPPOSED:
Mitzelfelt
Rothschild</p> |

Consent Calendar Continued....**Subregional Trans. Planning & Programming (Cont.)****11. Project Advancement Agreement Repayment for local jurisdictions in the Valley** Pg. 158

Adopt the recommended language as shown in Attachment 1 regarding the repayment of Measure I 2010-2040 Project Advancement Agreements for the Valley Interchange and Major Street Programs for inclusion in the development of the Project Advancement Agreement Policy. **Ty Schuiling**

This item was reviewed by the Major Projects Committee on August 14, 2008. The item was modified between the Major Projects Committee meeting and the September 3 Board meeting to delete portions pertaining to the Mountain/Desert subarea, per the discussion above. *(Meeting chaired by John Pomierski)*

Council Member Rothschild removed this item from the consent calendar to express dissatisfaction with the proposed language regarding the execution of new project advancement agreements. Council Member Rothschild motioned to defer this item for one month in order to allow city staff to further review it. There being no Second the motion died. Mayor Riddell moved staff's recommendation. Second by Council Member McCallon.

MOVED:
Riddell
SECOND:
McCallon
21-0-0

Program Support/Council of Govts.**12. California Strategies Contract Extension for State Advocacy Services** Pg. 168

Approve Amendment #2 to contract No. 03-007-02, for one-year extension, with California Strategies for State Advocacy Services in an amount not to exceed \$55,500. **Jennifer Franco**

This item was reviewed and unanimously recommended for approval by the Administrative Committee on August 13, 2008 and has also been reviewed by SANBAG Counsel. *(Meeting chaired by Paul Eaton)*

Approved Consent
23-2-0
OPPOSED:
Mitzelfelt
Rothschild

Project Development**13. Amendment No. 1 to Contract No. 06-019 with Parsons, Brinkerhoff, Quade and Douglas to extend the period of performance to September 30, 2010 for the as-built drawings for the I-10 Mixed Flow Lane Addition Projects** Pg. 173

Approve Amendment No 1 to Contract No. 06-019 with Parsons, Brinkerhoff, Quade and Douglas extending the period of performance to September 30, 2010 for the as-built drawings for the I-10 Mixed Flow Lane Addition Projects. **Garry Cohoe**

This item was reviewed and unanimously recommended for approval by the Plans and Programs Committee on August 20, 2008. SANBAG Counsel has reviewed and approved this amendment as to form. *(Meeting chaired by Paul Eaton)*

Approved Consent
23-2-0
OPPOSED:
Mitzelfelt
Rothschild

Consent Calendar Continued....

Project Development (Cont.)

- | | | |
|--|----------------|--|
| <p>14. Amendment No. 2 to Contract No. 03-014 with David Evans & Associates, Inc. to extend the period of performance</p> <p>Approve Amendment No. 2 to Contract No. 03-014 with David Evans & Associates, Inc. extending the period of performance by 16 months to December 31, 2009 for construction staking and surveying on the Live Oak Canyon Road interchange project. Garry Cohoe</p> <p>This item was reviewed and unanimously recommended for approval by the Major Projects Committee on August 14, 2008. (<i>Meeting chaired by John Pomierski</i>)</p> | <p>Pg. 177</p> | <p>Approved Consent
23-2-0
OPPOSED:
Mitzelfelt
Rothschild</p> |
| <p>15. Contract No. 08-165 with Berg and Associates for construction management services for Interstate 10/Riverside Avenue Interchange</p> <p>Approve Contract No. 08-165 with Berg and Associates for construction management services for Interstate 10/Riverside Avenue Interchange in an amount not to exceed \$3,830,989. Garry Cohoe</p> <p>This item was reviewed and unanimously recommended for approval by the Major Projects Committee on August 14, 2008. SANBAG Counsel has reviewed and approved this agreement as to form. (<i>Meeting chaired by John Pomierski</i>)</p> | <p>Pg. 181</p> | <p>Approved Consent
23-2-0
OPPOSED:
Mitzelfelt
Rothschild</p> |
| <p>16. Amendment No. 4 to SANBAG Contract No. 02-019 with LSA Associates, Inc for On-Call Environmental Services for SR-210, Segments 10 & 11</p> <p>1. Approve Amendment No. 4 to Contract No. 02-019 with LSA Associates, Inc. increasing the contract amount by \$100,000 to fully fund the remaining SR-210 scope of work items and provide professional services associated with the preliminary investigation of environmental mitigation properties for future SANBAG projects.</p> <p>2. Approve Budget Amendment to the Fiscal Year 2008/2009 budget increasing revenues and expenditures in the amount of \$100,000. Garry Cohoe</p> <p>This item was reviewed and unanimously recommended for approval by the Major Projects Committee on August 14, 2008. SANBAG Counsel has reviewed and approved this agreement as to form. (<i>Meeting chaired by John Pomierski</i>)</p> | <p>Pg. 222</p> | <p>Approved Consent
23-2-0
OPPOSED:
Mitzelfelt
Rothschild</p> |

Consent Calendar Continued....

Project Development (Cont.)

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|---|----------------|--|
| <p>17. Request For Qualifications (RFQ) No. C08200; associated with professional environmental services to support SANBAG on an as needed/on call task order basis</p> <p>Authorize staff to release RFQ No. C08200 for ON-CALL environmental services. Garry Cohoe</p> <p>This item was reviewed and unanimously recommended for approval by the Major Projects Committee on August 14, 2008. SANBAG Counsel has reviewed and approved the agreement and RFQ as to form. Finance review is not applicable at this time. <i>(Meeting chaired by John Pomierski)</i></p> | <p>Pg. 228</p> | <p>Approved Consent
23-2-0
OPPOSED:
Mitzelfelt
Rothschild</p> |
| <p>18. Amendment to Purchase Order with Best, Best & Krieger</p> <p>Approve Amendment No. 4 to Contract No. 05-016 with Best, Best & Krieger (BB&K) in the amount of \$100,000 for legal services as follows: \$50,000 for the Colonies Lawsuit and \$50,000 for the Cactus Basin Flood Control Channel. Garry Cohoe</p> <p>This item was reviewed by the Legal Ad Hoc Committee and recommended for approval on August 27, 2008.</p> | <p>Pg. 240</p> | <p>Approved Consent
23-2-0
OPPOSED:
Mitzelfelt
Rothschild</p> |

Transit/Commuter Rail

- | | | |
|--|----------------|--|
| <p>19. Memorandum of Understanding (MOU) for the Administration of Job Access and Reverse Commute (JARC) and New Freedom (NF) Grant Funds</p> <p>Approve in concept the MOU (SANBAG Agreement C09057) between SANBAG and the Southern California Association of Governments (SCAG), Riverside County Transportation Commission (RCTC), Omnitrans, the Riverside Transit Agency (RTA) and the Sunline Transit Agency for the administration of the JARC and NF funds. Mike Bair</p> <p>This item was reviewed by the Administrative Committee on August 13, 2008 and unanimously recommended for approval. <i>(Meeting chaired by Paul Eaton)</i></p> | <p>Pg. 244</p> | <p>Approved Consent
23-2-0
OPPOSED:
Mitzelfelt
Rothschild</p> |
|--|----------------|--|

Consent Calendar Continued....

Transit/Commuter Rail (Cont.)

- | | | | |
|-----|---|---------|--|
| 20. | <p>Amendment to Memorandum of Understanding (MOU) with the City of Upland</p> <p>1. Approve Amendment No. 4 to the MOU (SANBAG Agreement 03-041) with the City of Upland relating to the restoration of the historic Santa Fe Depot and Lemon Grower's Building and the demolition of an industrial building in the vicinity of the Upland Metrolink Station, increasing the amount required for the Lemon Grower's Building renovation by \$1,000,000 for a new not to exceed total of \$2,100,000; extending the estimated completion date to January 31, 2009, and increasing SANBAG's financial contribution by \$500,000 for a new total of \$1,796,125; and</p> <p>2. Approve Amendment to Budget Task 37909000 – Commuter Rail Capital, increasing the budget authority by \$500,000 for a new total of \$3,183,200 as identified in the Financial Impact Section. Mike Bair</p> <p>This item was reviewed by the Administrative Committee on August 13, 2008 and unanimously recommended for approval. <i>(Meeting chaired by Paul Eaton)</i></p> | Pg. 261 | <p>Approved Consent
23-2-0
OPPOSED:
Mitzelfelt
Rothschild</p> |
| 21. | <p>Proposition 1B Public Transit Modernization, Improvement and Service Enhancement Account (PTMISEA) Funding for the Purchase of Three (3) Replacement Paratransit Vehicles</p> <p>1. Approve amendment to Budget Task 31609000 – Barstow Area Transit Capital Expense, increasing the budget authority by \$420,000.</p> <p>2. Authorize the Executive Director to execute Memorandum of Understanding (C09025) with the City of Barstow for the payment of \$420,000 to purchase three replacement paratransit vehicles. Mike Bair</p> <p>This item was reviewed by the Mountain/Desert Committee on August 15, 2008 and unanimously recommended for approval. <i>(Meeting chaired by Brad Mitzelfelt)</i></p> | Pg. 268 | <p>Approved Consent
23-2-0
OPPOSED:
Mitzelfelt
Rothschild</p> |
| 22. | <p>Transportation Development Act Triennial Performance Audits</p> <p>Authorize the release of Request for Proposal 09-056 for conducting the Transportation Development Act Triennial Performance Audit of the San Bernardino County Transportation Commission and the following transit operators/claimants: Cities of Barstow, Needles, Morongo Basin Transit Authority, Mountain Area Transit Authority, Omnitrans and Victor Valley Transit Authority. Mike Bair</p> <p>This item was reviewed by the Administrative Committee on August 13, 2008 and unanimously recommended for approval. <i>(Meeting chaired by Paul Eaton)</i></p> | Pg. 276 | <p>Approved Consent
23-2-0
OPPOSED:
Mitzelfelt
Rothschild</p> |

Consent Calendar Continued....

Transit/Commuter Rail (Cont.)

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|-----|---|---------|--|
| 23. | <p>Amendment to Barstow Area Transit System Operational Analysis with DMJM Harris, Inc. formerly known as Urbitran Associates</p> <p>1. Approve Amendment 1 to Contract C08029 – Preparation of an Operational Analysis of the Barstow Area Transit System awarded to DMJM Harris, Inc. extending the time of performance by nine months to December 2008 and increase the budget authority by \$10,650.00 for the additional data analysis required. Also included in the amendment is the name change from Urbitran to DMJM Harris, Inc. who purchased Urbitran Associates in July of 2008.</p> <p>2. Approve Amendment to Budget Task 31609000 in the amount of \$10,650.00. Mike Bair</p> <p>This item was reviewed by the Mountain/Desert Committee on August 15, 2008 and unanimously recommended for approval. <i>(Meeting chaired by Brad Mitzelfelt)</i></p> | Pg. 289 | <p>Approved Consent
23-2-0
OPPOSED:
Mitzelfelt
Rothschild</p> |
|-----|---|---------|--|

Transportation Programs & Fund Administration

- | | | | |
|-----|--|---------|--|
| 24. | <p>2008 Measure I Population Estimates for Measure I Allocations</p> <p>Adopt the 2008 population estimates for use in allocation of Measure I Local Pass-Through Funds. Ryan Graham</p> <p>This item was reviewed and unanimously recommended for approval by the Mountain Desert Committee on June 30, 2008. <i>(Meeting chaired by Rick Roelle)</i></p> | Pg. 294 | <p>Approved Consent
23-2-0
OPPOSED:
Mitzelfelt
Rothschild</p> |
| 25. | <p>Quarterly Administrative Report on SANBAG Federal Funding Programs</p> <p>1) Receive report on quarterly reporting and obligation status.</p> <p>2) Adopt a finding of compliance with obligation requirements for all affected agencies. Ty Schuiling</p> <p>This item was reviewed and unanimously recommended for approval by the Mountain Desert Committee on August 15, 2008 and the Planning and Programming Committee on August 20, 2008. <i>(Mountain/Desert was chaired by Supervisor Brad Mitzelfelt; Plans and Programs was chaired by Mayor Paul Eaton)</i></p> | Pg. 300 | <p>Approved Consent
23-2-0
OPPOSED:
Mitzelfelt
Rothschild</p> |

DISCUSSION ITEMS

Program Support/Council of Govts.

26. Mobility 21

Pg. 305

Information Only

Receive report from Mobility 21 on its mission and involvement of the Inland Empire. **Deborah Robinson Barmack**

This item has not had prior SANBAG Policy committee review.

Administrative

27. Consulting Services for the Preparation of the Indirect Cost Allocation Plan

Pg. 306

**MOVED:
Dale
SECOND:
Chastain
25-0-0**

Approve **Sole Source** Purchase Order P09024 with Millennium Consulting, LLC for consulting services to prepare San Bernardino Associated Governments Indirect Cost Allocation Plan in an amount not to exceed \$41,000 as identified in the Financial Impact Section. **William Stawarski**

This item was reviewed by the Administrative Committee on August 13, 2008 and unanimously recommended for approval. *(Meeting chaired by Paul Eaton)*

Project Development

28. Construction Contract No. C08-191 for Seismic Retrofit of the SR-210/Muscoy Underpass

Pg. 312

**MOVED:
Gonzales
SECOND:
Cortes
22-3-0
OPPOSED:
Yates
Chastain
Nuaimi**

Award Construction Contract No. C08-191 to Beador Construction Company in the amount of \$1,115,200.00 for the Seismic Retrofit of the SR-210/Muscoy Underpass and authorize an appropriation in the amount of \$111,520.00 for contingency. **Garry Cohoe**

This item was reviewed and recommended for approval (11-2-0 opposed by Chastain and Yates) by the Major Projects Committee on August 14, 2008. *(Meeting chaired by John Pomierski)*

Board Members expressed concerns and frustration regarding the increased costs associated with separating the retrofit project from the mainline project due to potential delays resulting from the lack of railroad approval for the project. Board members suggested that these types of issues be tracked to determine affected projects and the associated costs.

Discussion Items Continued....**Project Development (Cont.)**

29. Amendment No. 1 to Contract C08135 with URS Corporation DBA, URS Corporation Americas for the Valley Blvd/BNSF Grade Separation Project Pg. 326

Major Project Committee Recommendation:

1. Approve Amendment No. 1 to Contract C08135 with URS Corporation DBA, URS Corporation Americas increasing the contract total amount from \$681,137.82 to \$800,342.07. The increase in the cost to be funded 100% by SANBAG.
2. Approve budget increase for fiscal year 2008/2009 to Task 87309000 for the Valley Blvd/BNSF Grade Separation project in the amount of \$120,000.

Staff Recommendation:

1. Approve Amendment No. 1 to Contract C08135 with URS Corporation DBA, URS Corporation Americas increasing the contract total amount from \$681,137.82 to \$800,342.07. The increase in the cost to be funded per the existing cooperative agreement that has SANBAG responsible for 80.4% of the cost and the City of Colton responsible for 19.6% of the cost.
2. Approve budget increase for fiscal year 2008/2009 to Task 87309000 for the Valley Blvd/BNSF Grade Separation project in the amount of \$120,000. **Garry Cohoe**

Mayor Yates moved to amend the recommendation to require SANBAG to be responsible for the cost of the amendment. The motion was seconded by Mayor Chastain. The amended recommendation was recommended for approval (9-3-1) by the Major Projects Committee on August 14, 2008. (Opposed: Morris, Pomierski, and Gilbreath; Abstained: Rigsby). Counsel has reviewed and approved this Amendment as to form. (*Meeting chaired by John Pomierski*)

There was extensive discussion regarding the City of Colton's funding contribution. After much debate Mayor Yates called for the question and a Roll Call vote was taken to determine whether to cease debate or to continue. 20-to 5 in favor of stopping discussion. Motion by Council Member Rothschild to approve the Major Project Committee's recommendation. Second by Mayor Chastain. Motion carried 21-4-0 (Opposed: Gilbreath, Hansberger, Gonzales, Eaton). Board Members agreed this was an exception to SANBAG policy. To further clarify, staff added that an agreement would be delivered to the CTC stating our commitment to the Valley Grade Separation project and its completion by 2013. The non TCIF share of the project cost will be provided by a combination of funds controlled by SANBAG and the City of Colton.

MOTION:
Rothschild
SECOND:
Chastain
21-4-0
OPPOSED:
Gilbreath
Hansberger
Gonzales
Eaton

Discussion Items Continued....

Transportation Programs & Fund Admin.

**30. Trade Corridor Improvement Fund (TCIF) Funding Agreement Pg. 340
between SANBAG and Local Sponsors**

Approve the following funding agreements pertaining to TCIF projects:

1. Palm Ave. Grade Separation Project. (Contract No. C09063)
2. Glen Helen Pkwy. Grade Separation Project. (Contract No. C09064)
3. South Milliken Ave. Grade Separation Project. (Contract No. C09065)
4. North Milliken Ave. Grade Separation Project. (Contract No. C09066)
5. Vineyard Ave. Grade Separation Project. (Contract No. C09067)
6. I-10 Logistics Access Project Cherry Interchange. (Contract No. C09069)
7. I-10 Logistics Access Project Citrus Interchange. (Contract No. C09070)

Ty Schuiling

This item was reviewed and recommended for approval in concept by the Plans and Programs Policy Committee on August 20, 2008. *(Meeting chaired by Paul Eaton)*

Other Matters

**31. Consent Calendar Items Pulled for Discussion
Agenda Item 11.**

Comments from Board Members

Brief Comments from Board of Directors - NONE

Public Comment

Brief Comments by the General Public - NONE

**ADJOURNED IN MEMORY OF
ELISEO OROPEZA**

Additional Information

Agency Reports/Committee Memberships

Commuter Rail Report

Mayor Pro Tem Patricia Gilbreath

South Coast Air Quality Management Report *(No Report This Month)*

Mayor Dennis Yates

Mobile Source Air Pollution Reduction Review Committee (MSRC)

Council Member Gwenn Norton-Perry *(No Report This Month)*

Pg. 381

**MOVED:
McCallon
SECOND:
Riddell
22-0-0**

SCAG Committees

SCAG Regional Council
SCAG Policy Committees
Community, Economic and Human Development
Energy and Environment
Transportation and Communications

Pg. 384

SANBAG Policy Committees

Pg. 385

Acronym List

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Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Meeting Procedures and Rules of Conduct

Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

Accessibility

The SANBAG meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is (909) 884-8276 and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Agendas – All agendas are posted at 1170 W. 3rd Street, 2nd Floor, San Bernardino at least 72 hours in advance of the meeting. Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Agenda Actions – Items listed on both the “Consent Calendar” and “Items for Discussion” contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.

Closed Session Agenda Items – Consideration of closed session items *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a “Request to Speak” form, provided at the rear of the meeting room, and present it to the SANBAG Clerk prior to the Board's consideration of the item. A “Request to Speak” form must be completed for *each* item when an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board's authority. *Matters raised under “Public Comment” may not be acted upon at that meeting. The time limits established in “Public Testimony on any Item” still apply.*

Disruptive Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for meetings. Your cooperation is appreciated!*

**SANBAG General Practices for Conducting Meetings
of
Board of Directors and Policy Committees**

Basic Agenda Item Discussion.

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on “Request to Speak” forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee.
- Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.

The Vote as specified in the SANBAG Bylaws.

- Each member of the Board of Directors shall have one vote. In the absence of the official representative, the alternate shall be entitled to vote. (Board of Directors only.)
- Voting may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

Amendment or Substitute Motion.

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the maker of the original motion is asked if he would like to amend his motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is not addressed until after a vote on the first motion.
- Occasionally, a motion dies for lack of a second.

Call for the Question.

- At times, a member of the Board/Committee may “Call for the Question.”
- Upon a “Call for the Question,” the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively and at the Chair’s discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

The Chair.

- At all times, meetings are conducted in accordance with the Chair’s direction.
- These general practices provide guidelines for orderly conduct.
- From time-to-time circumstances require deviation from general practice.
- Deviation from general practice is at the discretion of the Board/Committee Chair.

Courtesy and Decorum.

- These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation.

It is the responsibility of the Chair and Members to maintain common courtesy and decorum.